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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE INTEREST RATE SWAPS ANTITRUST
LITIGATION

This Document Relates To: All Actions

x ORDER NO. 12

: 16-MC-2704 (PAE)
: 16 Md. 2704 (PAE)

:
: [PROPOSED] CIVIL CASE
: MANAGEMENT PLAN AND
: SCHEDULING ORDER

x

This Civil Case Management Plan (the "Plan" or "Order") is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c).
2. Plaintiffs have designated this case to be tried to a jury, and Defendants reserve all rights in such regard.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within six (6) months from the date of this Order.
 - a. Defendants' Answers to the pleadings shall be filed no later than sixty (60) days from the date of this Order.
4. Initial disclosures, pursuant to Fed. R. Civ. P. 26(a)(1)(A)(i), shall be completed no later than thirty (30) days from the date of this Order.
5. All fact discovery shall be completed no later than sixteen (16) months from the date of this Order.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 5 above.
 - a. Initial requests for production of documents to be served at any time starting from the date of this Order.
 - b. Initial interrogatories to be served at any time starting from the date of this Order.

- c. Parties are to meet and confer regarding the status of document productions defendants have made to regulatory authorities regarding the matters alleged in this proceeding, if any, within twenty-one (21) days from the date of this Order.
- d. Parties are to designate outside counsel data representatives to begin a meet and confer process regarding the scope of data productions in this proceeding within twenty-one (21) days from the date of this Order.
- e. Parties are to provide a preliminary document custodian list within twenty-one (21) days from the date of this Order.
- f. Parties are to provide preliminary search terms within thirty (30) days from the date of this Order.
- g. Parties are to determine whether they are in agreement or disagreement on document custodians within forty-five (45) days from the date of this Order.
- h. Parties are to determine whether they are in agreement or disagreement on search terms within sixty (60) days from the date of this Order.
- i. The parties shall make rolling document productions in response to the parties' discovery requests as soon as practicable. Such productions shall be substantially completed within nine (9) months from the date of this Order. The parties will work in good faith to extend this deadline as necessary so long as all fact discovery is completed by the date set forth in paragraph 5 above (subject to the parties' ability to modify that date by further Order of this Court for good cause shown as otherwise provided in this Order).
- j. Depositions to be completed by the close of fact discovery.
- k. Requests to admit (and interrogatories) to be served no later than thirty (30) days prior to the close of fact discovery.

7. With respect to motions for class certification:

- a. Motions for class certification and supporting expert reports shall be filed fourteen (14) months from the date of this Order.
- b. Defendants shall depose plaintiffs' class certification expert(s) no later than forty-five (45) days from the deadline for motions for class certification.
- c. Oppositions to parties' motions for class certification and supporting expert reports shall be filed no later than forty-five (45) days from the deadline for deposition of plaintiffs' class certification expert(s).
- d. Plaintiffs shall depose defendants' class certification expert(s) no later than thirty (30) days from the deadline for oppositions to motions for class certification.

- e. Replies in support of motions for class certification along with rebuttal expert reports, as appropriate, shall be filed no later than forty-five (45) days from the deadline for deposition of defendants' class certification expert(s).¹
8. All expert discovery shall be completed no later than eight and one-half (8.5) months from a decision on class certification.
 - a. Plaintiffs shall serve expert reports on defendants no later than sixty (60) days from this Court's decision on motions for class certification.
 - b. Defendants shall serve on plaintiffs expert reports no later than ninety (90) days from the deadline for plaintiffs to serve expert reports on defendants.
 - c. Plaintiffs shall serve reply expert reports on defendants no later than sixty (60) days from the deadline for defendants to serve expert reports on plaintiffs.
 - d. Expert depositions shall be completed no later than forty-five (45) days from the deadline for plaintiffs to serve reply expert reports on defendants.
9. All motions and applications shall be governed by the Court's Individual Rules and Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed. Pursuant to the authority of Fed. R. Civ. P. 16(c)(2), any motion for summary judgment will be deemed untimely unless a request for a pre-motion conference relating thereto is made in writing within fourteen (14) days of the date in paragraph 8, *i.e.*, the close of expert discovery.
 - a. Motions for summary judgement and motions to exclude experts shall be filed no later than ninety (90) days from the date of the pre-motion conference.
 - b. Oppositions to parties' motions for summary judgment and motions to exclude experts shall be filed no later than sixty (60) days from the deadline for motions for summary judgment.
 - c. Replies in support of motions for summary judgment and motions to exclude experts shall be filed no later than forty-five (45) days from the deadline for oppositions to motions for summary judgment.
10. All counsel must meet face-to-face for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.
11. The Final Pretrial Order date is sixty (60) days following a decision on motions for summary judgment. By the Final Pretrial Order date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Rules and Practices and Fed. R. Civ. P. 26(a)(3).

¹ Defendants reserve all rights with respect to any rebuttal expert reports that plaintiffs serve in connection with their class certification reply.

12. Counsel for the parties have conferred and are unable to estimate the length of trial at this time.

TO BE COMPLETED BY THE COURT:

The Plan has been reviewed by the Court and, except as modified, is adopted as the Scheduling Order of this Court in accordance with Fed. R. Civ. P. 16(b).

13. The next Case Management Conference is scheduled for at

*will be set following the filing
of a class certification motion.*

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein (except as noted in paragraph 6) shall be made in a written application in accordance with paragraph 1.E of the Court's Individual Rules and Practices and shall be made no less than two (2) business days prior to the expiration of the date sought to be extended.

Paul A. Engelmayer

Paul A. Engelmayer
United States District Judge

Dated: New York, New York

Aug. 28, 2017